

Exhibit 3 to Declaration of Nathaniel Flack

UNREMOVED GRAFFITI COULD LEAD TO FINES

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As a graffiti buster, Brogan Thomsen is something of a legend in his own time.

The Central Area resident and volunteer has spent thousands of hours the past few years painting over the doodling of small-minded vandals.

``There's nothing wrong with trying to keep your city nice," Thomsen said yesterday, applying a fresh coat of paint over a string of graffiti at a downtown Seattle construction site.

Thomsen's sentiments about the city and its battle with graffiti were embraced yesterday by city lawmakers and community leaders, who say it is time to raise the stakes.

The City Council's Business Committee voted 3-0 to recommend passage of a tough new ordinance that would require private-property owners to clean up graffiti on their property or face citations and fines of up to \$100 a day.

The full council is expected to act on the ordinance Monday, said President Jan Drago, who predicted quick passage of the bill.

Drafted by the city's Law Department last fall, the ordinance is modeled after similar laws in a number of other cities, City Attorney Mark Sidran said.

In Seattle, graffiti costs millions of dollars annually in cleanup and repair costs and sends ``a powerful visual symbol of disorder," Sidran said.

The city alone spends about \$800,000 a year on graffiti, an amount roughly equal to what King County and Metro Transit spend. The cost to the private sector is probably equal to or greater than what the government is spending, city officials speculate.

While the city, county and state governments have done a good job of ridding public property of graffiti, the problem now is getting cooperation from private-property owners, Sidran said.

``Graffiti tends to spread like a cancer if it's not promptly removed," Sidran said.

Although most property owners are good about policing their property, a few turn their back on it and in doing so create an environment that attracts more vandalism and crime, Sidran said.

In a 1995 pilot project, the city sent letters to private-property owners who had allowed graffiti to remain on their property. About 60 percent cleaned it up after receiving the letter. When a second letter was sent, about 15 percent did so. The remaining 25 percent, however, did nothing.

Under the proposed new ordinance, once a problem property is identified, the city will send an ``informational" letter to the owner or building manager, requesting the graffiti be promptly removed.

If no action is taken, the city will send a warning letter demanding the graffiti be ``abated" within 10 days. If it is not, the city will send a written notice of violation to the owner and schedule a hearing for the property owner to explain why he or she cannot comply.

Seniors and disabled people who cannot do the work will get some assistance from the city or from volunteer organizations. The city last year handed out 2,000 gallons of free paint to combat the problem.

After the hearing, the city may choose to impose a fine of up to \$100 a day up to a maximum of \$5,000 on recalcitrant property owners.

The city also has the option of sending its workers to the property to paint out the graffiti, the cost of which would then be billed to the owner.

Darla Morton, director of the Rainier Chamber of Commerce, who testified in favor of the ordinance, said residents in southeast Seattle have worked for the past decade or so to rid their community of graffiti.

``We see a close relationship between public safety and graffiti," Morton said.

While some might view it as an inner-city problem, the fact is some of the worst ``taggers" are suburban youths who come into the city to leave their initials, Morton said.

Cheri Sarro, security operations manager at the downtown Bon Marche, said each day store personnel walk the perimeter of the building looking for graffiti. If any has appeared overnight, it is immediately scrubbed off, Sarro said. A recent spray-painting rampage cost the store \$8,500, Sarro said.

Refusing to let graffiti run down a neighborhood often brings positive results, says Thomsen, who works as a general contractor. A group of neighbors painted out graffiti at a city park at 28th Avenue South and South Jackson Street, Thomsen said. The city's Parks Department then got involved and helped renovate the playground.

``Now there are kids playing in the park instead of others shooting up (drugs)," Thomsen said. ``The city doesn't have to spiral down; it can spiral up."

Caption:

Color PhotoGILBERT W. ARIAS / P-I: Brogan Thomsen paints over **graffiti** at a downtown Seattle construction site. ``There's nothing wrong with trying **to** keep your city nice," he says.

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